

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, et al.,
Plaintiffs,

v.

STATE OF TEXAS, et al.,
Defendants.

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CIVIL ACTION NO.
11-CA-360-OLG-JES-XR
[Lead Case]

ADVISORY ON REMAINING ISSUES IN STATE HOUSE CASE

The NAACP Plaintiffs, the LULAC Plaintiffs, and the Perez Plaintiffs submit this advisory in response to the Court’s direction that the parties advise it by no later than August 29, 2018, as to “what, if any, issues remain in this case.” ECF No. 1586. The list of issues below is specific to the State House portion of this case:

REMAINING ISSUES

1. Whether the plaintiffs are to be provided relief under Section 3(c) of the Voting Rights Act, 52 U.S.C. § 10302(c), for the Fourteenth Amendment violations found by the Court with respect to certain districts in Plan H283. *See* Order, April 20, 2017 (ECF No. 1365) at 155 (holding that “[w]ith regard to the intentional vote dilution claims under § 2 and the Fourteenth Amendment, the Court finds that Plaintiffs proved their claims in El Paso County (HD78), Bexar County (HD117), Nueces County (the elimination of HD33 and the configuration of HD32 and HD34), HD41 in the Valley, Harris County, western Dallas County (HD103, HD104, and HD105), Tarrant County (HD90, HD93), Bell County (HD54), and with regard to Plan H283 as a whole.).

2. Whether the plaintiffs are entitled to an award of attorney fees, expert fees, and litigation expenses under 42 U.S.C. § 1988(b) and 52 U.S.C. § 103010(e) for any judicial relief provided concerning: (a) the 2012 Texas state house elections; or (b) 52 U.S.C. § 10302(c).

REMAINING JUDICIAL ACTION

With respect to Issue No. 1 (the bail-in issue), the Joint Plaintiffs will provide briefing on this issue, should the Court direct it, on whatever schedule the Court decides is appropriate (now or after resolution of the 2013 HD 90 issue). Issue No. 2 (the fee issue) only becomes ripe upon issuance of a Final Judgment, so briefing on the issue is premature at this point.

Respectfully submitted,

/s/ Allison J. Riggs

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of August, 2018, I filed a copy of the foregoing for service on counsel of record in this proceeding through the Court's CM/ECF system.

/s/Allison J. Riggs

Allison J. Riggs